

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 2
FOR THE REGULAR MEETING OF
MONDAY, JUNE 6, 2005 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-S400: State Route 56 Camino Del Sur Interchange.

(Torrey Highlands Community Area. District 1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1266)

Authorizing and directing the City Manager to execute an agreement with DMIG, Fund 47, a California limited partnership, and for settlement of its lawsuit against the City of San Diego, under the terms and conditions set forth in the Settlement Agreement;

Authorizing the City Manager to amend the FY 2005 Capital Improvements Program by amending CIP-52-463.0 by increasing the appropriation in an amount not to exceed \$5,371,000 from Fund No. 79015, for settlement of the inverse condemnation proceedings entitled "DMIG Fund 47 v. City of San Diego" (SDSC GIC 837823) regarding the acquisition of property rights required for the State Route 56-Camino Del Sur Interchange west exit ramps.

Authorizing the expenditure of an amount not to exceed \$5,371,000 from CIP-52-463.0;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

* ITEM-S400: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

This is to settle the Plaintiffs' inverse condemnation case for \$5,225,000 plus statutory interest. This settlement would provide payment to the property owner for the 4.61 acres of land the City used to build the State Route 56-Camino Del Sur off-ramp and settle their claim regarding the on-ramp. This matter was presented to Council in Closed Session on May 23.

FISCAL IMPACT:

Funds in the amount of \$5,371,000 including statutory interest are available in Torrey Highlands FBA Fund 79015, CIP-52-463.0.

Herring/Griffith/BLM

Aud. Cert. 2501048.

Staff: Lane MacKenzie – (619) 236-6050
Claudia Gacitua Silva – Deputy City Attorney